

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

LACLAUDIA SAMUELS,

Plaintiff,

vs.

BUDGET RENT A CAR SYSTEM, INC,
a/k/a AVIS BUDGET CAR RENTAL, LLC,
GENERAL MOTORS LLC, and
BL RESTAURANT OPERATIONS, LLC,
d/b/a BAR LOUIE,

Defendants.

Case No.

CU-2016-1583

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

MAR 28 2016

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PETITION

COMES NOW the Plaintiff Laclaudia Samuels and for her causes of action against the Defendants Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC, General Motors LLC, and BL Restaurant Operations, LLC d/b/a Bar Louie states as follows:

JURISDICTION AND VENUE

1. Plaintiff is a resident of Oklahoma County, Oklahoma.
2. Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC is a foreign limited liability company incorporated under the laws of the State of Delaware and doing business in Oklahoma County, Oklahoma.
3. The vehicle driven by Plaintiff was rented from Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC in Oklahoma County, Oklahoma.
4. Defendant BL Restaurant Operations, LLC, d/b/a Bar Louie is an Addison, Texas limited liability company incorporated under the laws of the State of Delaware and operating corporate and franchise locations in Oklahoma County, Oklahoma.

5. Defendant General Motors LLC is a Detroit, Michigan limited liability company incorporated under the laws of the State of Delaware and doing business in Oklahoma County, Oklahoma.

6. This Court has jurisdiction over the parties and venue is proper in Oklahoma County.

BACKGROUND

7. Plaintiff restates and re-alleges Paragraphs 1 through 6 of this Petition and in addition, states as follows:

8. On or about March 28, 2014, in Arlington, Texas, Tarrant County, Plaintiff Laclaudia Samuels' vehicle was struck by Melissa May Pena, an intoxicated driver.

9. At the time accident, Plaintiff was driving a 2013 Chevrolet Cruze rented from Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC in Oklahoma City, Oklahoma.

10. Plaintiff's vehicle was subject to numerous recalls for defective ignition switches and airbags, none of which had been repaired at the time Plaintiff rented the vehicle from Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC.

11. The collision with Ms. Pena's vehicle caused Plaintiff's vehicle to strike a concrete barrier several times before coming to rest.

12. The airbags in Plaintiff's rental vehicle failed to deploy.

FIRST CAUSE OF ACTION

NEGLIGENCE AGAINST DEFENDANT BL RESTAURANT OPERATIONS, LLC D/B/A BAR LOUIE

13. Plaintiff restates and re-alleges Paragraphs 1 through 12 of this Petition and in addition, states as follows:

14. On the evening of March 27, 2014 and the early morning hours of March 28, 2014, employees of Defendant BL Restaurant Operations, LLC d/b/a Bar Louie continuously served Ms. Pena alcoholic beverages despite the fact they knew or should have known Ms. Pena was intoxicated.

15. Defendant BL Restaurant Operations, LLC d/b/a Bar Louie is vicariously liable for the actions of the bartenders and wait staff with regard to the over-service of Ms. Pena.

16. The conduct of Defendant BL Restaurant Operations, LLC d/b/a Bar Louie on March 27, 2014 and March 28, 2014, was wanton and in reckless disregard for the rights of the Plaintiff and the public at large.

17. Immediately after leaving Defendant BL Restaurant Operations, LLC d/b/a Bar Louie's establishment, the vehicle operated by Ms. Pena collided with Plaintiff's vehicle.

18. The collision was a direct result of the Defendant BL Restaurant Operations, LLC d/b/a Bar Louie's negligent and reckless service of alcohol to Ms. Pena.

19. That as a direct result of the Defendant BL Restaurant Operations, LLC d/b/a Bar Louie's negligence, Plaintiff Laclaudia Samuels sustained serious personal injuries and damages.

SECOND CAUSE OF ACTION

NEGLIGENCE AGAINST DEFENDANT BUDGET RENT A CAR SYSTEM, INC A/K/A AVIS BUDGET CAR RENTAL, LLC

20. Plaintiff restates and re-alleges Paragraphs 1 through 19 of this Petition and in addition, states as follows:

21. At all times relevant, Plaintiff was driving a 2013 Chevrolet Cruze rented from Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC's Oklahoma City, Oklahoma location.

22. Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC knew or should have known when it rented the vehicle to Plaintiff that the vehicle would be driven in a foreseeable manner with foreseeable collisions and failed to adequately warn, instruct and insist that the vehicle be equipped with and/or repaired according to the manufacturer warnings and recall notifications before it was rented to and driven by Plaintiff.

23. At all times relevant, the Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC undertook a duty to distribute, lease, and rent motor vehicles in a reasonably safe condition for the intended use to the general public. The Defendant Budget Rent A Car System, Inc a/k/a Avis Budget Car Rental, LLC negligently leased rented, repaired, warned, marketed, failed to repair, and or performed or failed to perform maintenance of the subject motor vehicle knowing that the motor vehicle was defective and unreasonably dangerous when used as intended.

24. The defective condition of the motor vehicle and/or component parts was a proximate cause of the injuries of Plaintiff.

THIRD CAUSE OF ACTION

PRODUCTS LIABILITY, NEGLIGENT DESIGN, AND FAILURE TO WARN AGAINST DEFENDANT GENERAL MOTORS LLC

25. Plaintiff restates and re-alleges Paragraphs 1 through 24 of this Petition and in addition, states as follows:

26. During all times relevant herein, Defendant General Motos LLC was engaged in the business of designing, manufacturing, testing, inspecting, transporting, shipping, and/or selling automobiles and their components, including the Chevrolet Cruze (VIN 1G1PE5SB9D7183559) driven by Plaintiff Laclaudia Samuels.

27. The vehicle and/or its components, at the time it left the possession of the Defendant General Motors LLC, was inherently dangerous for its intended use and was not fit for its intended purpose, which presented and constituted an unreasonable danger or risk of harm and injury to a person who used, consumed, or might reasonably be expected to be affected by the vehicle and/or its components including the Plaintiff as follows:

- (a) The vehicle and/or its components failed to adequately function;
- (b) The vehicle and/or its components was improperly tested, studied, researched, evaluated, designed, engineered, manufactured, assembled, constructed, inspected, distributed, marketed, or otherwise prepared for use and sold by the Defendant prior to the vehicle and/or its components being placed in the stream of commerce;
- (c) The vehicle and/or its components was defectively designed, engineered, manufactured, constructed, and/or assembled;
- (d) The vehicle and/or its components did not perform as safely as an ordinary consumer would expect; and
- (e) The vehicle and/or its components was inadequate or insufficient to maintain its integrity during normal use by the consumer.

28. That the Defendant General Motors LLC approved and/or certified that the vehicle and/or its components at issue was fit for its intended purpose when, in fact, the vehicle and/or its components was defective.

29. That the Defendant General Motors LLC failed to adequately warn the Plaintiff, the public and the owner of the vehicle of precautions required to be taken and/or of the risks exposed to by use of the vehicle and/or its components.

30. That the defect(s) in the vehicle and/or its components caused or contributed to the Plaintiff's severe personal injuries.

31. That the Defendants were willfully and grossly in violation of their duties.

32. That the Plaintiff prays for actual and punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) against each Defendant and for attorney fees, interest, costs, and such other relief as this Court deems just, proper, and right.

FOURTH CAUSE OF ACTION

NEGLIGENCE AGAINST DEFENDANT GENERAL MOTORS LLC

33. Plaintiff adopts and incorporates herein paragraphs 1 through 32 above and further alleges and states as follows:

34. That the Defendant General Motors LLC was negligent in performing its necessary due diligence to assure consumers that the vehicle and/or its components was safe for use.

35. That the vehicle and/or its components was negligently and/or carelessly tested, studied, researched, evaluated, designed, engineered, manufactured, assembled, installed, constructed, inspected, distributed, marketed, or otherwise prepared for use and sold by the Defendant General Motors LLC.

36. That the Defendants negligently designed, engineered, manufactured, constructed, installed, distributed, sold, and/or serviced the vehicle and/or its components.

37. That the Defendants were negligent in meeting/satisfying industry customs, standards, and/or requirements necessary for placing the vehicle and/or its components in the stream of commerce and, as a result of these negligent actions specified herein, the Plaintiff, has suffered damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00). Plaintiff also seeks punitive damages against each of the Defendants in an amount in excess of Seventy-Five

Thousand Dollars (\$75,000.00) based on the Defendants' gross negligence and lack of regard for the rights of others as specified herein.

38. That as a proximate cause of the acts or omissions of the Defendants, the Plaintiff has suffered severe personal injuries, including substantial medical expenses, permanent physical impairment and disfigurement, mental and physical pain and suffering, and economic losses.

39. That based on the Defendants' intentional, willful, reckless, and/or gross disregard of Plaintiff's rights, she seeks actual and/or punitive damages against each of the Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

COMBINED PRAYER FOR RELIEF

40. Plaintiff adopts and incorporates herein paragraphs 1 through 39 above and further alleges and states as follows:

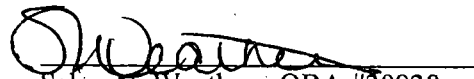
WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- a. Medical expenses, past and future;
- b. Pain and suffering, past and future;
- c. Punitive damages;
- d. Pre-judgment and post-judgment interest;
- e. Reasonable attorney fees;
- f. Costs of suit;
- g. Mental anguish, past and future;
- h. Lost wages, past and future;
- i. Loss of earning capacity;
- j. Physical disfigurement, past and future;
- k. Physical impairment, past and future; and

- l. Other such relief as this Court may deem just and proper; and
- m. Other damages to be set forth after discovery; all of which are in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. §1332.

RESPECTFULLY SUBMITTED,

WEST ♦ YLLA ♦ GOSNEY,


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